

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ORIGINAL
FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

JUN 26 2009
By: JAMES N. HATTEN, Clerk
Deputy Clerk

MICHAEL HIBBERT MORRIS,

Plaintiff,

v.

CIVIL ACTION FILE NO.
NO:

WAL-MART STORES, INC.;
DEKALB COUNTY, GEORGIA;
DETECTIVE PAM PATTERSON,
DeKalb County Police Department
badge number 1930, individually and in
her official capacity as a DeKalb
County detective,

Defendants.

1:09-CV-1723
-GET

NOTICE OF REMOVAL

COME NOW Defendants, Wal-Mart Stores, Inc. (erroneously named and joined, the correct designation being Wal-Mart Stores East, LP); DeKalb County, Georgia; and Detective Pam Patterson, DeKalb County Police Department badge number 1930, individually and in her official capacity as a DeKalb County detective, (hereinafter "Defendants"), and show this Court the following:

1.

Plaintiff Michael Hibbert Morris filed a Complaint against Wal-Mart Stores, Inc.; DeKalb County, Georgia; and Detective Pam Patterson, DeKalb County Police Department badge number 1930, individually and in her official capacity as a DeKalb County detective in the State Court of DeKalb County, State of Georgia, denominated as Civil Action No. 08A95857-7 and styled Michael Hibbert Morris v. Wal-Mart Stores, Inc.; DeKalb County,

Georgia; and Detective Pam Patterson, DeKalb County Police Department badge number 1930, individually and in her official capacity as a DeKalb County detective. True and correct copies of all process, pleadings and orders served upon Petitioners in said civil action are attached hereto as Exhibit "A".

2.

In his First Amended Complaint filed on May 29, 2009, Plaintiff asserts for the first time federal claims for alleged civil rights violations against the defendants therein. In this regard, Plaintiff specifically identifies and purports to assert claims against Defendants pursuant to Title 42 U.S.C. § 1983.

3.

This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331 inasmuch as Plaintiff has recently asserted claims against Defendants arising under the Constitution and laws of the United States and jurisdiction.

4.

This case is subject to the removal provisions of 28 U.S.C. § 1441(b).

5.

Venue in this Court is proper pursuant to 28 U.S.C. § 1441(a).

6.

All properly served Defendants, if any, have joined in this request for removal.

7.

This petition is filed within 30 days after receipt by any and all Defendants, through

service or otherwise, of the amended complaint setting forth the federal claims for relief upon which said action is based and on which basis said civil action is sought to be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a), (b) and § 1446, et seq.


Wherefore, Defendants hereby remove this action to the United States District Court for the Northern District of Georgia, Atlanta Division; and pray that no further proceedings be held in said case in the State Court of DeKalb County, State of Georgia.

This 25 day of June, 2009.



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Georgia Bar No. 002535
Attorneys for Defendant Wal-Mart Stores, Inc.

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 /w/ express permission

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by Dawn M. Rivera
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DEKALB COUNTY LAW DEPARTMENT
1300 Commerce Drive, 5th Floor
Decatur, GA 30030
(404) 371-6374

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing **NOTICE OF REMOVAL** has this day been served upon all parties by placing same in the United States Mail, postage prepaid, and addressed as follows:

M. Gino Brogdon, Esq.
Chad K. Adams, Esq.
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This 25 day of June, 2009.

McLAIN & MERRITT, P.C.



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